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Appropriations Committee
March 02, 2011

[AGENCY33]

SENATOR HEIDEMANN: Is anyone else wishing to testify on Agency 31, the Military Department? Seeing none, we will close up the public hearing on Agency 31 and open up the public hearing on Agency 33, Game and Parks Commission. Welcome.

[AGENCY31]

PATRICK COLE: (Exhibit 2) Afternoon. Thank you, Mr. Chairman. Senators, my name is Patrick Cole, P-a-t-r-i-c-k C-o-l-e. I'm the budget and fiscal division administrator with the Nebraska Game and Parks Commission. Pleased to let you know in the audience here behind me is our director, Rex Amack; our parks division administrator, Roger Kuhn; and our chairman of the board, Mick Jensen. And I'm pleased and he's smiling so he must have passed his reappointment, Commissioner Dr. Mark Pinkerton, are here should any questions come up that I'm unable to address. I'm sure they'll jump in and help me out. I also point out to the rear of the room is Mark Brohman, he's the director of the Nebraska Environmental Trust. The Environmental Trust Board is placed administratively under our budget for administrative purposes, but they manage the thing so he's here should you have any questions or concerns about the Environmental Trust. There's another entity that's placed administratively under our budget and that's the Niobrara Council, but I don't believe anybody from the Niobrara Council is here today. And they were okay with the Governor's recommendations, which you followed up on. I appreciate being here today to testify in support of the Governor's recommendation, which you mirrored nearly entirely. You deviated in two circumstances, which I would request that you reconsider on those. But first let me point out the fact that, if any of you recall Barbara Mandrell, for some reason the song was running through my head, "I Was Country When Country Wasn't Cool. And that's been running through my head because you may recall two years ago when we came in for the current biennium we'd cut ourselves \$5 million cash authority, 28.6 FTEs, and the year before that...the biennium before that we'd also made some cuts. During the special session, we offered up over \$3 million of cash transfers to the General Fund as

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

well as took another \$500,000 General Fund cut to our budget. And we took this very seriously in the fact that there was an LR out there didn't have an impact because we were already in the process and have been in the process since I've been in this position and I know since Rex has been director of the agency that every year we look at all our positions, all our budgets and try to ensure we're running in the most effective fashion that we can. We have submitted a request, probably unusual in that we've asked to have our budget base reduced again. And initially we reduced the full 10 percent that the Governor asked just as a modification plan, but we didn't present it as a modification plan. We said go ahead and do it. We will adjust accordingly, and we've done so through an efficiency plan effort in the agency. And we've been looking at the agency from top down. We've eliminated...this next biennium...we've already eliminated now, but it will be reflected in the next budget three assistant director positions and have gone to one deputy director. Jim Douglas has been appointed to that position. He was unable to be here today. We've also eliminated a number of other positions, like I said, 30 positions. Fifteen of those were on the table before. We discussed those in the last process. Those were the privatization of the food services at Mahoney State Park. Every position we've eliminated they've gone the gamut from division administrators to middle management down. We've been flattening in our agency in a number of positions. In budget and fiscal, the last two positions that I fill have been filled at a lower level. We're trying to get more boots on the ground in every arena in the agency and get more help there. And our budget reflected that and I think it, as I say, proof is in the pudding when you've heard me repeat our director's motto is we want to be part of the solution, not part of the problem. And I think our budget request demonstrated that and acknowledged that and your support as well as the Governor of our request. There was one request that the Governor fulfilled and you followed with and that concerns Lake Wanahoo, which is just north of Wahoo, Nebraska. The NRD is finishing construction of that lake and has asked us to take over the management of that as a state recreation area. This has been in the works for probably eight to ten years and has been a request off and on every biennium since then. But now the rubber is about to hit the road. The lake is constructed and they're looking at beginning operational, opening it up in I think

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

2012 or late 2011. They again have expressed an interest in having us take over and manage that. Our board of commissioners took a stance early on in this process a number of years ago saying we would be happy to if General Funds were available. And that's what we requested; the Governor, of course, did not. He's fully funded our request, as have you, but with cash funds. We're at the position our board has not taken an official stance at this point if we would fund it with cash. But certainly one of the things we will do is approach the NRD, and as a matter of fact they have a board meeting on Friday, so we'll be discussing with them to see if they can ante up any money. Because our estimates on what the cost of to run that operation will be versus the revenue generated won't be a cash flow...it will be a cash flow issue. We won't be generating enough money to fund it. So we just wanted to make sure that you were aware of that situation. We'll see what the NRD can do to come up and assist us on that. The two areas where we diverged both are in the capital budget. The first one concerns acquisition authority in Program 960 to be able to acquire additional park properties. And of course, no doubt, you've asked yourselves the question because there's three bills on the General File right now to give up areas that we currently manage. Well, as I said, we've been approaching this, trying to look at running the Game and Parks Commission in the most efficient and effective manner as possible, and we've been looking at every area and especially those small areas that are adjacent to or close by communities that have an interest and certainly utilize the area to a great extent to see if they'd be willing to adopt those areas and take them on. And last year we had two that the Legislature approved, and this year there are three before this Legislature. That said, we still have existing parks that, say, Mahoney State Park and others, that do make a go of it financially. And there are times when we have a willing seller that has adjacent property to those areas that would add to the logistics of managing it because it would be in close proximity, well, as a matter of fact, would be adjacent to a property to acquire it and make the management efficiencies much greater and also an ability to increase recreational opportunities on a given area. So we've asked in our budget \$100,000 each year Cash Funds for the opportunity, should they arise, to acquire additional park properties in those areas that make sense to do so.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

That will not stop us from continuing to look at all our areas that we manage that we don't own where there's opportunities to partner with the NRDs, the local communities, and/or the federal agencies that may own those like the southwest reservoirs where they're owned by the Bureau of Reclamation as opposed to us. The second item we would like your reconsideration on is the funding for the Cowboy Trail emergency. We've asked for \$175,000; this is cash money from the Cowboy Trail Fund, which the balance is around \$200,000 right now, and that money is to go in and help support the replacement and repairs of the trail, portions of the trail that were damaged by last year's flooding. You just heard a little bit about FEMA, NEMA from the military and we've got, based on their estimates and our engineers, approximately \$3.4 million worth of damage on the Cowboy Trail, flooding along the Elkhorn River in northeast Nebraska. And we need...they've offered up 75 percent cost-share of federal monies to go in and repair the property damage that needs to be fixed on the trail, but we have to match that. And so this \$175,000 is a necessity in order to match to get the FEMA money in order to proceed with making the necessary repairs. We also will have a grant from the Recreational Trail Fund, a federal program, that we can also utilize to make those repairs. So that in a nutshell is kind of our position. We'd ask for your reconsideration of those two capital programs and certainly acknowledge and appreciate your support in our budget request throughout the rest of the budget. And with that, I'll be happy to address any questions or get somebody behind me to help. [AGENCY33]

SENATOR HEIDEMANN: Are there any questions? Senator Hansen...Senator Harms, excuse me. [AGENCY33]

SENATOR HARMS: The first part was really good. It's the best thing I've been called since I've been here. (Laughter) Are you thinking about raising your fees, your park fees and...? [AGENCY33]

PATRICK COLE: There's a bill in front of the Legislature now. It's on General File. It hasn't showed up on the agenda yet, that would increase our daily park permit to \$5; the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

annual to \$25; and, of course, the duplicate annual is half of the annual so that would be \$12.50, which would be the first increase in...well, it would be in effect in 2012 so that would be five years or seven years since we raised it last. [AGENCY33]

SENATOR HARMS: How much will you actually generate from that do you think?
[AGENCY33]

PATRICK COLE: We are anticipating about a million dollars once it's for a full year. Again by the fiscal year, and it starts in January, we would only be getting half of that for... [AGENCY33]

SENATOR HARMS: And park fees, the money that you receive from that, where does that go? I mean how do you use those funds? [AGENCY33]

PATRICK COLE: Okay. All the park cash dollars go in to support the park system. That's what the statute limits it to so it's paying salaries, buying supplies and materials to operate the parks, pay for temporaries, to buy vehicles, anything you can think of that goes into managing the park system. It supports basically 70 percent of our park operating. The other 30 percent comes from General Funds. [AGENCY33]

SENATOR HARMS: Are you looking at increasing the fees for fishing and hunting and...? [AGENCY33]

PATRICK COLE: At this point we are not. We've, in fact, lowered some. You may have recognized we created the youth permit for big game hunting, both deer and turkey, and dropped that from \$25 down to \$5 to bring youth into the fold. And we've actually recognized a slight revenue decline because of that, obviously, we're charging less. But we've also seen an increase in some nonresident interest coming in. And, of course, if they're bringing their young folks in, you have adults that are buying a full-price permit. [AGENCY33]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

SENATOR HARMS: Has it accomplished what you wanted to accomplish in regard to bringing youth in, as far as Nebraska youth? [AGENCY33]

PATRICK COLE: This is our first year so I'd say it looks really promising. But, you know, proof will be in the pudding whether they stay involved in hunting to the future, but that's the intent is bring them in, introduce it, they'll get hooked in into the outdoors, the benefits both physically and mentally in getting outdoors and enjoying the recreational opportunities. So we have big hopes that it's going to do that. We're obviously doing a number of other programs and stuff to try to introduce youth and get them involved. [AGENCY33]

SENATOR HARMS: Well, I want to thank you for what you do. I mean from where I live and some of the things I've seen Game and Parks Commission do has been outstanding, and I appreciate that. And I know that's not been the best thing financially and the easiest thing financially, but you've managed your money really well and I appreciate that. Thank you. [AGENCY33]

SENATOR HEIDEMANN: Senator Mello. [AGENCY33]

SENATOR MELLO: Thank you, Chairman Heidemann. And thank you for your testimony. And (inaudible) I guess less of a question and I guess more of a statement to some extent, which is I know while some agencies have considered it to be burdensome and sometimes redundant to some of the reports and/or planning tools that have been put in the budget over the last couple of years regarding vacancies, potential vacancies in positions as well as agency efficiency review plans that every agency was required to provide as they went through this biennial budget cycle. I would like to say for the record that the Game and Parks Commission has, in my humble opinion, has gone above and beyond I think of any agency in state government in regard to taking these proposals very seriously and providing a massive amount of information and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

recommendations and suggestions to help further streamline and make your agency more efficient beyond what I've seen over the last few years through the budget process here. I'd like to applaud the Game and Parks Commission for providing, like I say, a wealth of information for someone like myself who wasn't very familiar with the Game and Parks Commission, as well as providing multiple venues for us as an independent branch of government to evaluate your agency and provide necessary efficiencies and/or changes in statute when necessary. So thank you. [AGENCY33]

PATRICK COLE: Thank you, Senator. [AGENCY33]

SENATOR HEIDEMANN: Senator Wightman. [AGENCY33]

SENATOR WIGHTMAN: Thank you, Mr. Chairman. Thank you for being here, for the good testimony that you've given us. You talked about the park permits and the bill would increase the park permit. And I think I saw a graph that indicates that among those charging a park permit we are the lowest. Some states are funding it in a different manner, is that correct, and more out of General Funds and have no park permits at all? Am I correct there? [AGENCY33]

PATRICK COLE: That's correct. I think there's 37 states that do charge park permit fees and we're the lowest. [AGENCY33]

SENATOR WIGHTMAN: And they range from ours which is, what, \$20 or \$25? [AGENCY33]

PATRICK COLE: It's \$20 right now currently. [AGENCY33]

SENATOR WIGHTMAN: Twenty and your proposal would go to \$25. [AGENCY33]

PATRICK COLE: And I believe that would still make us the lowest in the country.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

[AGENCY33]

SENATOR WIGHTMAN: I think that could be. The highest I think was about \$100. Is that correct? [AGENCY33]

PATRICK COLE: Yes. There are some states that do have a registration fee as part of their vehicle registration that get funding from that source. [AGENCY33]

SENATOR WIGHTMAN: And I think some of the information that was going around on the graph was that they showed the number of parks in various states, and we were relatively high I think in the number of parks, or at least beyond the midpoint, weren't we? [AGENCY33]

PATRICK COLE: Yes. [AGENCY33]

SENATOR WIGHTMAN: So there's quite a bit of choice of potential parks that people can visit. [AGENCY33]

PATRICK COLE: Yes. [AGENCY33]

SENATOR WIGHTMAN: Thank you. [AGENCY33]

PATRICK COLE: Thank you. [AGENCY33]

SENATOR HEIDEMANN: Senator Hansen. [AGENCY33]

SENATOR HANSEN: You had your hand up. Do you want to...okay. Thank you for being here today and testifying, start off with Game and Parks. You...in here a couple of places you say and you mentioned in your testimony that if you find a willing buyer then that's the time to act and I understand that. Do you ever find a willing...a willing seller,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

I'm sorry. Do you ever find a willing buyer? [AGENCY33]

PATRICK COLE: Well, we've not offered anything for sale as such. But obviously in these communities like Brownville and Ayr, Nebraska, they're willing to take on those facilities that are basically in their backyard and manage those and I think will do a successful job in that. [AGENCY33]

SENATOR HANSEN: Do you know the...when those were started originally, do they cost Game and Parks any money or were they donations in the first place or...I mean are you losing money on each one of these parks that you donate to the community? Or I don't know what that term would be. [AGENCY33]

PATRICK COLE: Yeah. [AGENCY33]

SENATOR HANSEN: You turn over the management to them anyway. [AGENCY33]

PATRICK COLE: Yes. We're conveying the property to them, which through that process statutorily they're going to maintain them as a public area so the state...so the public loses no benefits from that aspect but we lose, you know, a place where we're putting money and we can divert that money to other areas or it would be savings. [AGENCY33]

SENATOR HANSEN: Okay. I come from the hometown of Buffalo Bill's park and I know there's thousands of people come through there every day. What is the usage of the Cowboy Trail? Do you have any numbers on that? [AGENCY33]

PATRICK COLE: Yeah. [AGENCY33]

SENATOR HANSEN: I mean that's a long trail... [AGENCY33]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

PATRICK COLE: Yes. [AGENCY33]

SENATOR HANSEN: ...so come and go and on and off. []

PATRICK COLE: As a matter of fact, I just got this from our recreational trail coordinator and every year they go out and put a machine that counts people as they go by. And I asked him, well how...does it count their legs, divide by two, how does this work? And he kind of tried to explain it to me, and it's out there for a short time frame. But every year...in 2004 there were 8,600 users counted, and this isn't the whole length because it's been developed over time, but as that's grown and obviously the majority of the users are going to be around that Norfolk, Neligh area and then over by Valentine where it crosses the river. But from 8,600 counts of users in 2004 to, let's see if he's got the...2009 to 17,000 so it more than doubled in that time frame. I think again that's just a shot in time, you know, doesn't count everybody all the time. [AGENCY33]

SENATOR HANSEN: Okay. And you approximate the repair of the Cowboy Trail at \$175,000. [AGENCY33]

PATRICK COLE: That would be our share for the FEMA. It's like \$3.4 million is what the damage is. [AGENCY33]

SENATOR HANSEN: From flooding? [AGENCY33]

PATRICK COLE: Yeah. [AGENCY33]

SENATOR HANSEN: That's all I have. Thank you. [AGENCY33]

SENATOR HEIDEMANN: Is the whole part of the Cowboy Trail actually up and running or is it still being upgraded to the point so they can be fully utilized? What's the status of the trail? I know the first part between...right out of Norfolk is good. [AGENCY33]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

PATRICK COLE: Yeah, 321 miles and I believe they're all surface now or do we have...
[AGENCY33]

_____: No, Valentine to Norfolk. [AGENCY33]

PATRICK COLE: Valentine to Norfolk, okay, we've got that west of Valentine yet.
[AGENCY33]

SENATOR HEIDEMANN: I think there's federal strings here and I'm just recalling here, but as I see your obligations and what you're trying to accomplish and where I think your focus is going to be and it's no longer on some of the smaller parts that we're seeing. If you could give the Cowboy Trail away to somebody, would you do it? [AGENCY33]

PATRICK COLE: I would leave my board of commissioners answer that question.
[AGENCY33]

SENATOR HEIDEMANN: It just looks like a huge obligation that will continually cost...maintenance cost will be extremely high. The Nemaha NRD took over Steamboat Trace Trail down in my area, and I think if they could undo that they would be very happy because it's along the Missouri River. And every time it floods or a storm comes through, it's very expensive. [AGENCY33]

PATRICK COLE: I would agree 100 percent with that. Back in 1993 when your counterparts that were in the Legislature at that time felt it was a good thing for the state to give it to us. They also had given us General Fund to support it. That dried up in a hurry. (Laughter) The flooding still comes. The water comes but the money behind it isn't there anymore. [AGENCY33]

SENATOR HEIDEMANN: It is true, though, that there is federal strings that we couldn't

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

actually...is that true? [AGENCY33]

PATRICK COLE: There are federal strings. I'm not sure what all they pertain to but basically in order for us to get it up and running as a trail we had to remove ballast and put crushed limestone, surface it, and ensure that all the bridges were safe order. We did all that with federal money. And when the feds invest in something, they are invested forever. And consequently, if we do anything that would eliminate its use as a trail or anything else, yes, we would likely be liable to some degree, depends on where it went, who takes over it, and how it's managed. It is rail bank so at some point, you know, it could be converted back to an actual live railroad line. We wouldn't be liable for anything at that point because that's part of the rail bank proposition. [AGENCY33]

SENATOR HEIDEMANN: I've talked to certain people from the area up there that are along the trail, and I don't know where they count the 8,600 at one time and more, but the people that I talked to say you very seldom see anybody on it. And then I read it said a number of site meetings were set up by Senator Flood, Dierks, and Sullivan and Giese to evaluate and discuss how flood damage could be addressed. There was great outpouring of support and demand that the Cowboy Trail be repaired. Outpouring of support, what's the definition of great outpouring? [AGENCY33]

PATRICK COLE: Everybody that was there was in favor of it. (Laughter) Both of them, no, I don't... (Laughter) [AGENCY33]

SENATOR HEIDEMANN: I think for the present time that will be it for me (laugh). Senator Fulton. [AGENCY33]

SENATOR FULTON: Thank you, Mr. Chairman. I want to ask a little bit about...and this perhaps if there's another who is better situated to answer this, that's fine...our Web site, the Game and Parks Web site and how we market ourselves to folks outside Nebraska, and I probably wouldn't have asked this question, but I read this morning

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

about this guy from Germany who shelled out \$117,000 to hunt ram in Nebraska, a ram in Nebraska. I think he's the only...there was going to be a Nebraskan that was going to get it, but then someone else (inaudible) Nebraska too. [AGENCY33]

PATRICK COLE: Yeah. [AGENCY33]

SENATOR FULTON: Sometime back I had a constituent who was interested in the Game and Parks Web site. I don't remember it exactly, but I just remember it appeared to him and to others who had contacted me deficient, i.e., it could be a lot better. Can you talk to that a little bit. We have...and where I'm going with this is we have a lot to offer in Nebraska. Some fellow in Germany is willing to shell out six figures to hunt animals that we have here in Nebraska so I wonder if we're maximizing what we have to offer via the Internet. [AGENCY33]

PATRICK COLE: I'm not sure when his comment was made, but we've just gone through a major revamping of our Web site. It's only been up I'm guessing less than six months. I don't know, it's only been a few months so. [AGENCY33]

SENATOR FULTON: It was last year so. [AGENCY33]

PATRICK COLE: Yeah, so we've done a lot in that arena. We're working on our permitting system to make it blend in more with our...to look and feel like our Web site. And so, yes, we made a lot of efforts in that arena. We've also, I don't know if you tweet or whatever, tweet and twit and Facebook and stuff. We're utilizing all the modern communication techniques out there known to man. We're tapping into those and having pretty good success in getting folks to do that. And so I think, yeah, early on it probably wasn't the best, but I think we're making tremendous improvements. We were one of the first fish and game agencies in the nation to be on the Web and one of the first to offer permit sales via the Web so. [AGENCY33]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

SENATOR FULTON: Is there any...is there...I haven't looked at the Web site so outdoornebraska.org I'll look at it. Is there any effort to market to anglers and folks interested in game, just sportsmen, in other parts of the world or country? Is there a targeted so I mean on Facebook you can pattern your ads to go after individuals who have an interest in sportsmen items? [AGENCY33]

PATRICK COLE: Yes. [AGENCY33]

SENATOR FULTON: Is there any type of effort within our marketing budget at Game and Parks to do that? [AGENCY33]

PATRICK COLE: Yes. We advertise on the Web, I forget what they call them, little corner teardowns in some places like the [Lincoln Journal Star](#). [AGENCY33]

SENATOR FULTON: Rollovers. [AGENCY33]

PATRICK COLE: Yeah. There's a little deal that pops down. We've got ads out there in different places there. We still use hard media with newspaper ads in Colorado and things like that, but we've done a lot of the stuff on the Web, worked with other organizations to get links from their Web sites on to ours. And we've also been working with an outside marketing consultant to get advice from that perspective to ensure that we are keeping up with other agencies around the country. [AGENCY33]

SENATOR FULTON: Okay. Thank you. [AGENCY33]

SENATOR HEIDEMANN: Senator Conrad. [AGENCY33]

SENATOR CONRAD: Thank you for being here, appreciate your commentary and thoughtful presentation of the budget issues facing Game and Parks. And I was hoping, because the question was posed by Senator Harms in relation to the independent

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

legislation that's pending before the body, it's Senator Pankonin's priority bill, that would increase some fees to assist the Game and Parks, carry out their important work. Can you talk just a little bit historically about the amount of General Funds provided to Game and Parks to carry out their many important duties over the years and really how the reliance on cash funds has come to be what it is in the present day? [AGENCY33]

PATRICK COLE: Yep. A number of years ago before my time before there was a park entry permit, the park entry permit came about in about 1978, the majority of the funding for the park system was General Fund. And keep in mind we have the fish and wildlife side, it's the game fish and wildlife side and park commission. And the fish and wildlife side has been fairly self-supporting outside of the nongame arena because we don't charge any fees for nongame. We have the nongame checkoff on your income tax. So the park side has been supported primarily with General Fund revenue. Somewhere along the line that was about a 50-50 mix I think when the park entry permit came on board, and it's been steadily declining since then. We might get a little blip here and there where we bounce back up, but right now it's a 30 percent. And when you think about things in terms of government, we're a unique agency in that the parks side of the agency is probably one of the few agencies that can and tries to adopt a business model as best as possible, keeping in mind that we don't want to limit access to the resources to only those that can afford so we have to maintain our fees in a fashion that, you know, we don't prohibit use, in which case we're failing in our mission. But it has declined considerably over the years. Like I said, 50 percent was the last time I remember checking, and I'm sure it was much higher prior to the park entry permit coming on board. And, of course, park entry permit provides a significant amount of revenue, but that's only one of the revenue sources in park cash arena. The other is our camping and lodging fees. They actually, I think, last year exceeded the park permit revenues, but they're still not enough to keep up with inflation. If you look at the Consumer Price Index and go back to when we first had a park entry permit at \$7.50 and applied that today, we'd be over \$25 today is what we'd be charging, and know that our expenditures have inflated just as much, you know. So we're not bringing in as

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

much as a park permit could be if we were based on a Consumer Price Index and yet our wages and cost of doing business continue to rise, as everyone's does. So that's where we're really focusing, you know, like I said and trying to be as efficient. We've done the game, as every agency has done, of okay, let's cut travel; let's not buy equipment; let's postpone. We're beyond that now. We can't keep that up and our budget, you know, this isn't a cure-all. This isn't a if you pass the park permit, you give us a bunch of General Funds, this isn't going to turn it back to the 1980s and we have more money than we know what to do with, not that we had any back then, but we're still going to have to make hard choices in areas we will transfer back to other entities that can manage them. [AGENCY33]

SENATOR CONRAD: No, I appreciate that historical perspective and consideration surrounding what the present proposal may do to impact your budgetary obligations. And I'll tell you one thing that I'm most concerned about with it is that it doesn't go far enough, and that we need to look very carefully at modest increases to ensure that we can have a strong and vibrant Game and Parks system for generations to come. But if indeed it is the will of this body to move forward with that very modest, reasonable, conservative proposal, it's at least a step in the right direction so definitely appreciate that. On a personal note, I'll disagree about Senator Fulton's comments on the Web site. I frequently use the Web site to buy our fishing permits and to make reservations at state parks and see what's going on. And my only complaint would be that there's not enough cabins at Ponca and Mahoney whenever we want to go up and enjoy those areas. So I think it has come a long way in a short period of time and it's a good resource for folks. [AGENCY33]

PATRICK COLE: Well, it will change at Ponca soon so. [AGENCY33]

SENATOR CONRAD: Great. [AGENCY33]

SENATOR HEIDEMANN: Senator Hansen. [AGENCY33]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

SENATOR HANSEN: Senator Conrad, what you need to do is buy a \$150,000 RV and then you take them out. (Laughter) [AGENCY33]

SENATOR CONRAD: I don't think that would be good for anybody (laugh).
[AGENCY33]

SENATOR HANSEN: Patrick, I don't know if the director wants to come forward or not or the commissioner, but I have some questions. Thank you for doing the budget part of this, but just some overall questions. And I can ask my question and see which one of you want to come up. But a couple of years ago there was a bill in the Legislature to allow alcohol in the parks and we turned that down. Yet the commissioners got together this summer and decided that we were wrong and that alcohol should be allowed at those parks and how that... [AGENCY33]

REX AMACK: I'd be happy to do that, Senator. [AGENCY33]

SENATOR HEIDEMANN: Would you just identify. [AGENCY33]

REX AMACK: Mr. Chairman, my name is Rex Amack, R-e-x A-m-a-c-k. Members of the Appropriations Committee, it's a pleasure to be here today. And I would just answer that you asked a while ago about the answer is yes--would we give away the Cowboy Trail? (Laughter) And we could give you all of our cash funds to go with it. Our existing cash funds I think the balance is about \$200,000. The Cowboy Trail has been, and I know this isn't the question, Senator Hansen. [AGENCY33]

SENATOR HANSEN: No, that's fine, that's fine. [AGENCY33]

REX AMACK: I know that Patrick would be hesitant about answering a question like that. But as he did point out, this was gifted to the state in the '90s and it was decided

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Appropriations Committee
March 02, 2011

that Game and Parks Commission would operate this trail, and it's been a huge capital investment for not very much use. And it's the expense of trying to maintain it is never going to get less. And we just witnessed this last year, millions of dollars in damage done and replacement isn't a forever fix. It's just until the next time the Elkhorn gets wild. But going to your question, Senator, specifically, I do...I would have to tell you that I'm not aware of any bill recently in the Legislature where the Legislature proposed stopping alcohol in the parks. What we worked with was, and I believe it goes back to a 1967, I can't be exactly sure, where the Legislature transferred the authority for alcohol consumption supervision, if you will, from the Legislature to the governing boards and commissions, whoever had control of the property. In other words, that put the University of Nebraska in control of all their property; it put the Game and Parks Commission in control of all of their property. Since...from that time in the beginning, I do not know if the commission acted formally to say you could alcohol in the parks or they didn't. But what transpired later on then was and there was alcohol use in all of the parks, the...and I need to rephrase that. There was alcohol use in the state recreation areas. State historical parks such as Buffalo Bill's Ranch and state parks such as Mahoney State Park and Fort Robinson State Park the commission did not allow alcohol consumption except by special permit that was authorized to us through the liquor department, the State Liquor Commission. They authorized us to have special permits, and these permits required that the alcohol consumption be inside of an enclosure, either a tent or a building, a big tent or, you know, not a tent like that. And so it was kind of migratory then how in the sense they had no position on lands they didn't own. And most all of the state recreation areas, they're not owned by the Game and Parks Commission, they're lease agreements. For example, Lake McConaughy, our landlord there is Central Public Power and Irrigation District. All of the areas around Lincoln are owned by the United States Army Corps of Engineers. Most of the western reservoirs, Swanson Reservoir, Red Willow, Enders, they're owned by the Bureau of Reclamation. So we have lease agreements with all those federal agencies. And their policy was, and still is today, that alcohol consumption on their areas is fine, which included, of course, Harlan County Reservoir and Lewis and Clark Reservoir, two big

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Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

reservoirs in the state. So when...what happened in the early '90s, we were starting to have problems primarily focused on Lake McConaughy. And so at that time the commission sought and received legislative approval to control alcohol, even though we already had it if you go back to that, at least I understood we did. We went back and got more authority to do that. And then in 1995 the commission voted to ban alcohol use at all areas, except they kept the exception of the State Liquor Control special permit. So at that point from 1995 until May of 2010 alcohol was...well, actually until January 1 of 2011, alcohol was banned at all areas. And at that point, the commission responded to what had been a number of years of public input requesting that the commission take a stronger look or a harder look at what's going on. And we did that in many ways with...we've conducted interviews with people using the parks. We conducted interviews with the people that have concessions there, a wide variety of things. And certainly this was not an easy decision for the commission because like in many issues that we face every day, half of our friends were for it and half of them were against it and we were going to vote with our friends. And it's just a very difficult issue. Probably the biggest problem we had with it when we would hold focus meetings, people would say, well, we know it's going on but it's very discreet. And, you know, I think probably everybody agreed to that until all of a sudden they took a drink of beer or something and somebody saw them and they got a ticket. Then all of a sudden they were unhappy with it because they were full aware that there was a lot of people using alcohol in the parks discreetly. And people would compare it and say, well, if you were a security guard at Walmart and someone came in and shoplifted a product and they were well dressed and they looked nice and they ran away with this product, as long as they did it discreetly would it be okay? But if you came in and had cutoff shorts and sandals and something like that and you didn't do it discreetly so you have to go to jail. And we had this for...I can tell you, it wasn't 20 minutes after the commission banned alcohol use in the state parks and recreation areas that people are lobbying to get it back. Now I think just about everybody in here knows that when the Governor approved the regulations that he asked that Lake McConaughy be excluded from the lifting of the ban. And he did that because he had lots and lots of people were writing him letters and saying we think

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

alcohol in the parks is okay except Lake McConaughy and so that's what he did. And I was with the Governor, as were most of the commissioners, went to Lake McConaughy and held a special meeting. And I don't think we got to the airport before somebody was saying, well, I sure hope the Governor doesn't do that. The Governor is right here, tell him. I mean it's too late because the input was all that way. And so...but as far as the commission wanting to be involved with any legislation on this, I certainly can't recall that. And I think we're probably talking about the same thing in when they banned it in '95 and then turned around and... [AGENCY33]

SENATOR HANSEN: I think two years ago that was a bill to allow alcohol in state parks and it was turned down by the (inaudible). [AGENCY33]

REX AMACK: Oh, yes, that was...yes, Senator Rogert's bill and it never got out of committee, never got anywhere. There was...as I recall, there was one individual person testified for that... [AGENCY33]

SENATOR HANSEN: Yeah. [AGENCY33]

REX AMACK: ...that bill. The rest of the testimony was not to do it, although at that hearing there was several people said, well, we kind of know it goes on but it's discreet. So it's just been a very difficult issue. [AGENCY33]

SENATOR HANSEN: And one other shorter question probably is why would the Game and Parks be introducing prairie dogs in another situation other than where they normally naturally occur? [AGENCY33]

REX AMACK: Well, this is...certainly the Game and Parks Commission is not introducing them. What we have...came before the board is there was a 5,000-acre ranch in northeast Nebraska in Rock County, or north central Nebraska, borders the Niobrara River, a family by the name of Hutton willed that land in their final testament to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

the Audubon Society of Kansas. And the question comes, well, I wonder why they would do that? Well, the director of the Audubon Society of Kansas is named Ronald Klataske and he worked here for years and years and years in Nebraska as the director of the Nebraska Audubon Society. He was a landowner in Rock County and knew the Huttons very well and knew a lot of these people, and then he left here to go to Kansas because that's where he was from. He was getting ready to kind of slow down a little bit. He has a farm there and he lives on that farm. Well, as it went along (inaudible) what the Hutton family left this to the Audubon of Kansas has a sanctuary, a wildlife sanctuary, that they would like to see operated to optimize opportunities for wildlife of all indigenous species to that area. And, of course, one of those species was prairie dogs. So the commission has a regulation that says if anyone, if you're going to take wildlife, if you're going to want to capture some...whatever it is that's available to be captured--coyotes, raccoons, skunks, whatever you would want to collect--and move it somewhere else, you have to have the permission of the commission. And the reason that regulation is there is because it was one of those reactions to a situation where we did have some people who were just going to do it. They were going to take some prairie dogs and just start releasing them willy-nilly. And naturally this is not a good thing. So the commission did go through the Administrative Procedures Act and developed regulations within the confines of the statutory regulatory authority the commission has to say if you're going to do that, we need to be involved and for a variety of reasons: disease, spread of wildlife diseases, unwanted species in an unwanted place. And so they came to us and said we want to move 100 prairie dogs to this 5,000-acre sanctuary. We're going to fence them in. They can't get out. We promise they can't get out and I understand. So we gave them a whole bunch of hoops they had to jump through. They had to, number one, they have to quarantine the prairie dogs. I mean none of this is inexpensive. They have to test them all to make sure they don't have any diseases. They have to have notified all the adjacent landowners and have permission or either permission or adjacent landowners can be neutral or for it or against it. Now we didn't have...they didn't have any that were for it, but most of them were neutral. They all ended up neutral. Then they gave assurances to the adjacent

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

landowners that if they get out they'll come and get them, and if they get on your property, they'll pay you if they did any damage. And if this thing doesn't work at all, the commission then will have the authority to come in and eradicate those animals totally and charge the Hutton Sanctuary for that. And as a matter of fact, the letter of conditions that will determine that regulatory action is on our next commission meeting to say here's what you have to do in order to comply with the commission's authority to do that. We are very sensitive to the fact that prairie dogs are not popular in agricultural areas, particularly with livestock and ranches. And it comes down to be the regulatory authority that has invested us by the Legislature. And does the Game and Parks Commission have the authority to keep a private landowner from introducing a species that was indigenous to their land if they jump through all the hoops? And essentially what we have found is that we probably don't have that statutory authority. That the Legislature never meant for us to be able to determine what a private landowner's rights are and aren't in the case of wildlife. And so we just have to make sure that they meet all the criteria that was established in those regulations and then follow through with what they're going to...they do what they say they're going to do. And if they don't, then we will, by our own agreement, go in and take care of those prairie dogs. I'm confident of one thing--that the prairie dog management today is far more sophisticated than it was many years ago. They have chemicals that are approved by the FDA and chemicals that are approved to use that are extraordinarily effective on prairie dogs. And they do have...the Audubon Society of Kansas does have some other case studies where people have used these fences and they have electric fence around them and they do all this and they have been working in other areas. And when I see you smiling, Senator Hansen, it reminds me that when I sat in this chair and senators...one of the bills that came with another gift that came with the Cowboy Trail was we had to build...if any landowner requested it, we had to build a hog-tight fence between the right of way and their property. And I told the senator that to my knowledge there's no such thing as a hog-tight fence. (Laughter) And I was very happy having grown up on the farm that my dad quit raising hogs when I was about eight or nine years old. It was one of the happiest days of my life. (Laughter) And I'll tell you this: There was no such thing as a

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Rough Draft

Appropriations Committee
March 02, 2011

hog-tight fence. [AGENCY33]

SENATOR HANSEN: Nor a prairie dog fence [AGENCY33]

REX AMACK: Yeah, right. That's why I saw you smiling. [AGENCY33]

SENATOR HANSEN: Thank you. [AGENCY33]

REX AMACK: You're very welcome, sir. []

SENATOR HEIDEMANN: I'm going to go back to the Cowboy Trail just for a little bit.
[AGENCY33]

REX AMACK: Oh, gosh, I'm going to be in trouble with the Cowboy. The trail lovers are going to come get me. [AGENCY33]

SENATOR HEIDEMANN: And I'm going to ask of you to do something, and I realize you're not going to be able to probably tell me this today, and I usually try not to put any obligations on an agency that takes time and effort, but this is one of the few that I'm going to do it. Can you tell me since the time that you acquired or was given or forced to take the Cowboy Trail how much state money, how much cash money, and how much federal money per year has been spent on it? And then I want to know the average yearly people estimated or actual, however you do that, use the trail. And from that, I would like to know what the cost is per person for the money spent. [AGENCY33]

SENATOR HANSEN: Per mile. [AGENCY33]

REX AMACK: Well, I can tell you this and we can provide you with those figures, Senator. We'd be happy to do that. It's in the scheme of things, and I did learn this right off the bat after the flood. I went to Norfolk and I met with Speaker Flood and I met with

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

other senators, and in that area they were getting a lot of pressure. Oh, we got to refix this trail. And I said, well, could we just...I think the majority of the damage is from Norfolk to Clearwater, which is maybe about 30 miles, maybe we could just start it up at Clearwater. Well, no, that's not going to get it done. And I can tell you this: If you take the citizen centers, let's take Valentine, for example. When you leave Valentine on the trail and go southeast, you go out across this great big wooden bridge over the Niobrara River and it's spectacular. It's just one of the most spectacular walks or rides you could take in the country. It's just like going over the Royal Gorge to a certain extent. And those trails, both sides of areas like Valentine, O'Neill, I'm sure Norfolk, other places where people are living, they get used out about like this out and back. And I can tell you as being a resident of Lincoln the MoPac Trail starts, well, it starts clear downtown on Y Street, but it goes out to...I don't know where they're trying to run it to, but it's...I think trying to get it to Omaha eventually. But the MoPac, the big trail head is on 84th and...well, it's on 84th Street and Janssen Drive, something like that. You go out there and there's a big parking lot, there's flush restrooms, I mean...and you start down that trail, well, it's about 1.5 miles out to Walton. Okay? And then it's about another four miles or I can't remember what the road, 198th, and most of the use is that mile and a half to Walton and back. But yet we're maintaining, the NRD maintains this one, bless their hearts, and they maintain that thing to way out past Eagle and the used path to Walton is very limited. And you have people walking and pushing baby carriages and everything else. It gets a lot of use. And that's the same way it is with the Cowboy Trail. It gets considerable use on both sides of the wherever you have a community as people are walking for health reconstruction, they're pushing their...they take the dogs so it's a nice place to walk dogs because it's public property and all they have to do is have them on a leash and so. But we will provide you that information. It's just been one of those things that people compare it to like the Katy Trail in Missouri. Well, the Katy Trail runs right along the Missouri River and there's big bluffs and it's just not comparable. In my judgment, it's not. Most...a lot of the people, I get phone calls from people that don't like the trail and they'll say, you know what BRAN is, Rex? I say, yes, that's the bicycle ride across Nebraska. They said, well, they just went by here and they're riding on Highway

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

20. Why aren't they using your trail? Well, Highway 20 is real hard and, you know, it's easier to pedal on I suspect because the trail is pea gravel. It's a little more, you know, not quite so (inaudible). But it's a long, long trail. And I think if it connected Chicago and Milwaukee you'd get a lot more use. [AGENCY33]

SENATOR HEIDEMANN: I agree with you when you get out toward Valentine part of that trail, and I did the Niobrara River trip this year, it's beautiful, enjoyed it to no end, and the bridge over the Niobrara, I agree scenic. But there are points between Valentine and Norfolk that you could walk miles and I'm not even going to...(laugh). [AGENCY33]

REX AMACK: I'm on your...I think you might be on the same side, Senator. But it's a...I did want to say if Senator Hansen asked about willing buyer...if the Legislature wants to buy it back, we're in... [AGENCY33]

SENATOR HEIDEMANN: Can we partner with NRDs? I realize that we can't get out from underneath the federal obligations, but can you transfer them to a different entity and then maybe you could focus on things that you should be focusing on? [AGENCY33]

REX AMACK: Well, I like the way you think. Roads Department would be ideal. It's a road. (Laughter) NRDs would be perfect, they're natural...I mean it would be a burden for anyone to take it. There's no income from it. To go into a park, you have to pay to go into a park. You know, there's no income on the Cowboy Trail. We tried to have income from it, but how are we going to collect it? I mean what are you going to do? It was just...it was a nightmare and it just made people mad so. [AGENCY33]

SENATOR HEIDEMANN: Every once in a while the Legislature makes mistakes. Hindsight might...maybe only one then. Senator Wightman. [AGENCY33]

SENATOR WIGHTMAN: Thank you, Mr. Chairman. Thank you, Director Amack.

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Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

[AGENCY33]

REX AMACK: Thank you, sir. [AGENCY33]

SENATOR WIGHTMAN: With regard to the alcohol use in state parks or state special use areas, what's been the effect on revenue from that? My understanding was that we were one of the very few states that were not allowing alcohol consumption on state parks. Is that correct? [AGENCY33]

REX AMACK: That is correct, sir. All the states around us allow it. And we have many people, fact is, I was visiting with a state senator once that said they like to go to Lewis and Clark Lake and fish but they always stay on the South Dakota side because they can consume alcohol there. They like to have a beer when they're cooking out. I don't know specifically if...I mean I don't think we can say (inaudible) that because if we do allow alcohol use, our park visitation is going to go up and our user base is going to go up. But what I can say I think is that people are going to feel much more comfortable about visiting our state parks and recreation areas knowing if they want to have alcohol, I am convinced that we won't notice a great deal of change from last year because the people that were doing it were doing it. And I don't think we're going to see much difference except every year so many thousand of them got arrested for doing it. And it was just one of those things it was impossible to administrate it across the board with any equatability. And I think that she will say, well, you might have some wild parties. And we've been having wild parties. I mean they didn't go away because we banned it. They didn't go away at all. We reduced them, but they didn't go away. And I'm sure we'll have some incidents this year. The one thing that I think puts so much ability for the commission to control the areas is this: After 10:00, it's not legal anymore. Now I think in the cities like Lincoln, I think they're open until 2:00 and we close at 10:00. So if somebody is at the state park and wants to continue to have a drink, they'll have to come to Lincoln. [AGENCY33]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

SENATOR WIGHTMAN: I think there was a lot of concern among law enforcement officers... [AGENCY33]

REX AMACK: Yes, there was. [AGENCY33]

SENATOR WIGHTMAN: ...particularly in outstate Nebraska that they would end up with a lot of patrolling of that area more than they had been. Is that... [AGENCY33]

REX AMACK: I think that concern is there and I think it's valid. But I don't think it's going to be...I don't think there will be an increased burden on law enforcement in those areas because of the regulations. The people will learn quickly. Most of them are quick learners. And it's like anything else. If you can go and do what you want to do at this area, but you have to quite right then. And if you don't, you're in...most people do that. I mean...but it's when they could go and not do what they had been doing for years and years and years. When we took alcohol consumption where people had been going to the parks and doing these things for years and years and all of a sudden said you can't do it anymore, said, well, why not? Well, it was a hard thing, too, because basically the problem was Lake McConaughy. But it's interesting to me how this all worked out because to start with the problem was Lake McConaughy. But in the end, people said, well, if you ban it there, you just might as well ban it everywhere so we did. Now on the other hand as it undoes itself, you can now have alcohol in the system except Lake McConaughy. That's where the problem originated. So we're kind of right back full circle after 15 years. [AGENCY33]

SENATOR WIGHTMAN: And I was just thinking maybe you could authorize the use on these isolated parts of the Cowboy Trail but... [AGENCY33]

REX AMACK: (Laugh) Well, we can. It is a state...it's part of the state...well, actually, I think it's open on...shhhh (laugh). [AGENCY33]

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Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

SENATOR WIGHTMAN: Thank you. [AGENCY33]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you for coming in today. [AGENCY33]

REX AMACK: Well, thank you. I hope I didn't take up too much of your time. I know you have a lot of important work to do here. And on behalf of the commission, we really appreciate the support of the Appropriations Committee and the Legislature. Our board works really hard to give us the tools to do things. And we'd have never had the opportunity to bring you budgets that are going to match what we think our capability is to manage the resources without the support of the board. And we also thank you, Mike, for the good work you do. So thank you very much. [AGENCY33]

SENATOR HEIDEMANN: Anyone else wishing to testify on Agency 33, the Game and Parks Commission? Welcome. [AGENCY33]

DUANE HOVORKA: Good afternoon, Chairman Heidemann and members of the Appropriations Committee. My name is Duane Hovorka, that's D-u-a-n-e H-o-v-o-r-k-a. I'm here on behalf of the Nebraska Wildlife Federation. I appreciate the opportunity to talk to the committee about the Game and Parks Commission budget. I want to set my comments in context. And if you look at the three state agencies that deal the most closely with natural resources in Nebraska, which is the Game and Parks Commission, the Department of Natural Resources, and the Department of Environmental Quality, which is up next week, and you took all the General Funds that go into those three agencies combined, you're less than 1 percent of all the state General Fund support. And if you think about a state where our number one industry, agriculture, and our number three industry, travel and tourism, are so dependent on our natural resources in the state, it seems to me that it's a shame that we spend so little of our state budget in terms of protecting and managing those natural resources. So we realize that times are tough. We realize the budget is tight. But we're talking about tiny amounts of budget

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Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

with respect to the whole state budget. And if you look at those three agencies, again in context, over all the state budget where we're looking at a slight increase or a relatively flat this year, a little increase next year, most agencies are looking about a 2.5 percent decrease this year and a slight increase next year. Well, these three agencies are looking at more substantial cuts: 4 percent from the DNR this year, almost 7 percent from Game and Parks, and almost 22 percent from the Department of Environmental Quality in terms of the General Funds that are going into those agencies. So I want to hit you with that context. So I think from our standpoint that's a real concern, not only that we're spending so little of our state budget on those three agencies, but that we're actually looking at taking more cuts from those agencies proportionally than we are from the other agencies in our government. We really appreciate the work that the Game and Parks Commission has done. They took that mission that they were given seriously last year. The commissioners and the staff got together, put together a reorganization plan. They did flatten the organization. They took...they found some savings there, but, you know, those are real cuts. Those are real jobs. And any time you take that many bodies out of an agency without reducing the workload or responsibility, you really are putting a lot on the existing staff. So we appreciate what they did. And I think just want you to recognize how substantial the efforts that they made in order to try to be more efficient, to try to comply with the directions they've been given by this committee, by the Legislature, and by the Governor. With respect to a couple of the capital requests that were mentioned earlier, again, to put that in context, less than 2 percent of Nebraska's landscape is now publicly owned, available for fish, wildlife habitat, or other kinds of recreation. And we're down near the bottom of all states. We're down with Kansas and a couple of other states that's somewhere between 1.5 and 2 percent of our land in public land. And even that, most of that land is out west. Most of it is in Halsey National Forest and up in the northwest part of the state. And so we support those efforts that small budget, \$100,000, to try to allow the acquisition of public lands. That would allow places like the Platte River where we don't have a lot of public land in some places. We also support the money for the Cowboy Trail. We're a wildlife group; we're not a trails group. But I think at least it's an opportunity to leverage a lot of federal money with a little bit of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011

state money to try to do something that, you know, ultimately somebody is going to have to do in terms of making those kinds of repairs. And just to wrap it up, to recognize that most of the General Funds for Game and Parks are supporting the parks function. It's those state parks that are really getting the support out of our General Funds, and those are really some of the jewels of our state. They bring people into the state. They provide instate recreation for residents here. So we think that's a really important function to carry out. We would strongly support the continued state funding for the Game and Parks Commission that's there. And to the extent you can find additional funds for the agency, we would certainly support that as well. So thank you.

[AGENCY33]

SENATOR HEIDEMANN: Thank you for coming in today. Are there any questions? Senator Hansen. [AGENCY33]

SENATOR HANSEN: Thank you. Do you support an increase in park fees then? [AGENCY33]

DUANE HOVORKA: We do. We support the legislation to add \$5 to the park, yes. [AGENCY33]

SENATOR HANSEN: Thank you. [AGENCY33]

SENATOR HEIDEMANN: Any other questions? Seeing none, thank you. [AGENCY33]

DUANE HOVORKA: Thank you. [AGENCY33]

SENATOR HEIDEMANN: Is there anyone else wishing to testify on Agency 33, the Game and Parks Commission? Seeing none, we'll close up the public hearing on Agency 33 and open up the public hearing on Agency 29, the Department of Natural Resources. [AGENCY33]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Appropriations Committee
March 02, 2011
